

AMENDMENTS TO THE DRAWINGS:

In the Office Action at item 3, the Examiner objected to the drawings. In order to overcome these objections, replacement figures are submitted herewith. The attached drawings include changes to FIGS. 1 and 2. The sheets containing FIG. 1 and FIG. 2 respectively replace the original sheet including FIG. 1 and FIG. 2. In FIGS. 1 and 2, the label "PRIOR ART" has been added. Approval of these changes to the Drawings is respectfully requested.

REMARKS

In accordance with the foregoing, claims 2-5 and 7 remain cancelled. Claims 1, 6, and 8-11 are pending and under consideration.

DRAWINGS

In the outstanding Office Action at item 3, FIGS. 1 and 2 were objected to as missing the "PRIOR ART" label. In order to overcome these objections, replacement figures are submitted herewith.

ALLOWABLE SUBJECT MATTER

Applicant acknowledges with appreciation the indication of allowable subject matter. Claims 1 and 6 are allowed.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claim 8 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,084,694 by Milton et al. (hereinafter "Milton").

Independent claim 8 recites an apparatus, comprising a multiplexing unit and a separating unit. The separating unit is defined as "[receiving] a wavelength division multiplexed signal comprising a second plurality of optical client signals and a third plurality of optical client signals, separates the second plurality of optical client signals from the third plurality of optical client signals, while keeping wavelengths of the second plurality of optical client signals multiplexed together, wherein the separating unit transmits the separated second plurality of optical client signals to a place which is different from where the third plurality of optical client signals is transmitted". Claim 8 can be understood, for example, from FIG. 4, and the disclosure on page 7, line 1 through page 8, line 6, and page 8, lines 15-27 of the specification.

Milton discloses a communications network employing wavelength division multiplexing, comprising a plurality of nodes, an optical transmission medium interconnecting said nodes, said transmission medium being capable of carrying a plurality of wavelengths organized into bands, and an interface at each node for dropping a band associated therewith, adding a band carrying traffic for another node, and passively forwarding other bands¹. In FIG. 3 of Milton, the demultiplexers 10 and multiplexers 11 are shown connected into the fiber optic rings 2, 3 wherein the demultiplexers 10 drop, and multiplexers 11 add, a specific band of wavelengths

associated with the node. Physically the MUX/DEMUX 10, 11 each consist of a single high performance optical interference filter that transmits the selected band to be dropped/added and passively reflects the remaining bands².

Milton fails to teach or suggest the separating unit as specifically recited in claim 8 of the present application. In col. 5, lines 14-17, Milton discloses that the dropped band 12 from each ring 2, 3 is passed to a second fine optical filter 19, which separates the dropped band into the individual wavelength, and the sub-divided wavelengths are passed to the electro-optic converters 14. Applicant believes that this disclosure of Milton does not teach or suggest the separating unit which transmits the second plurality of optical client signals to a place which is different than where the third plurality of optical signals is transmitted, while keeping the wavelengths of the second plurality of optical signals multiplexed as recited in claim 8.

Therefore, the prior art fails to teach or suggest every feature recited in claim 8, so that claim 8 is patentably distinct over the prior art. Accordingly, Applicant respectfully traverses, and requests reconsideration of the rejection based on Milton.³

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Milton in view of U.S. Patent No. 6,271,948 by Toyohara ("Toyohara"). Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Milton in view of U.S. Patent No. 6,445,850 by Zhou et al. ("Zhou"). Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Milton in view of Toyohara and Zhou.

Toyohara and Zhou do not correct or compensate for the above identified deficiency of Milton, because neither Toyohara nor Zhou the separating unit recited in claim 8. Therefore, claims 9-11 depending upon claim 8 are also patentable at least by inheriting patentable features from claim 8.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

¹ See, for example, Milton, col. 2, lines 10-19.

² See, for example, Milton, FIG. 3, col. 4, line 61 through col. 5, line 9.

³ See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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